

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

XAVIER BUCKHANAN,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. 1:24-cv-00811-SAB (PC)

ORDER DIRECTING PLAINTIFF TO
CLARIFY IN FORMA PAUPERIS
APPLICATION AND/OR SUBMIT PRISON
TRUST ACCOUNT STATEMENT

(ECF No. 14)

Plaintiff is proceeding pro se in this action filed pursuant to Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) and the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1267. Plaintiff filed the instant action on May 30, 2024, in the United States District Court for the Eastern District of California, Sacramento Division. On July 12, 2024, the action was transferred to this Court.

On August 5, 2024, the Court ordered Plaintiff pay the \$405.00 filing fee or submit the proper application to proceed in forma pauperis. (ECF No. 11.)

On September 13, 2024, the Court granted Plaintiff an extension of time to submit an application to proceed in forma pauperis. (ECF Nos. 12, 13.) On this same date, Plaintiff submitted a motion to proceed in forma pauperis by a prisoner. (ECF No. 14.) In his motion, Plaintiff states that he has \$2,800.00 to his credit, and within the last sixth months has had an

1 average monthly balance of \$320.00, and average monthly deposits of \$560.00. (ECF No. 14 at
2 2.) However, to date, Plaintiff has not submitted a copy of his inmate trust account statement.
3 Without Plaintiff's trust account statement, the Court cannot determine whether Plaintiff is
4 entitled to proceed in forma pauperis or if he must pay the filing fee considering he submits that
5 he has \$2,800.00 in his credit. Accordingly, because the evidence before the Court of Plaintiff's
6 assets is inconclusive, the Court will provide Plaintiff with an opportunity to clarify his financial
7 condition and adequately demonstrate financial hardship. Specifically, Plaintiff should state the
8 current total amount in his prisoner trust account statement, and if sufficient funds are available,
9 why he is not using those funds to pay the filing fee for this action. Plaintiff is not required to
10 submit a new application to proceed in forma pauperis.

11 Accordingly, IT IS HEREBY ORDERED as follows:

- 12 1. Within thirty (30) days from the date of service of this order, Plaintiff shall clarify
13 his financial condition, as discussed above, or in the alternative, pay the \$405.00
14 filing fee for this action;
- 15 2. No extension of time will be granted without a showing of good cause; and
- 16 3. Plaintiff is warned that the failure to comply with this order will result in dismissal
17 of this action, without prejudice, for failure to comply with a court order.

18 IT IS SO ORDERED.

19 Dated: October 8, 2024

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21 UNITED STATES MAGISTRATE JUDGE
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